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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,996	01/16/2004	Frederick Diggle	BS030555	8681
7590	07/14/2005		EXAMINER	
Scott P. Zimmerman P.O. Box 3822 Cary, NC 27519			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,996

Applicant(s)

DIGGLE ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the second office action for application number 10/759,996, Communication Cable Support, filed on January 16, 2004.

Drawings

The drawings were received on April 4, 2005. These drawings are approved.

Response to Amendment

The indicated allowability of claim 7 is withdrawn in view of the newly discovered reference(s) to Spencer, Suprono, and Deciry et al. Rejections based on the newly cited reference(s) follow.

Claim Objections

Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claimed subject matter is redundant; this subject matter is cited in claim 17, lines 6-7.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,817,847 to Spencer in view of U.S. Patent 6,530,545 to Deciry et al., hereinafter, Deciry and in further view of U.S. Patent 4,824,057 to Suprono. Spencer discloses an apparatus (10) comprising: a chain (19) dangling from a means for supporting (11) the apparatus; and a generally hook-shaped saddle for supporting a cylindrical member thereacross, the saddle comprising a crown (@20), a stem downwardly extending from the crown, a generally semi-circular section outwardly extending from the stem and forming the saddle.

Spencer discloses the claimed invention except for the limitation of a notch inwardly extending from an outer edge of the saddle. Deciry teaches a generally hooked-shaped saddle for supporting a wire, the saddle comprising a crown (12), a stem (20) downwardly extending from the crown, a generally semi-circular section (11) extending from the stem and forming the saddle, a notch (near element 22), the notch inwardly extending from an outer edge of the saddle, and an open-ended slot (13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the saddle in Spencer to have included the notch as taught by Spencer for the purpose of providing a means for trapping the cylindrical element by the generally semi-circular section.

Spencer combined with Deciry disclose the claimed invention except for the limitation of the open-ended slot allowing for height adjustment of the saddle in relation to the chain. Suprono teaches an apparatus comprising a wire (14), a generally hook-shaped saddle for supporting a cable (12), the saddle comprising a top portion, a stem

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downwardly extending from the top portion, a generally semi-circular section (36) outwardly extending from the stem and forming the saddle, the top portion having an open-ended slot (18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the crown of the saddle in Spencer combined with Deciry to have included the open-ended slot as taught by Suprono for the purpose of providing a means for preventing the saddle from slipping down on the chain when a desired height is achieved.

Allowable Subject Matter

Claims 1-12 and 14-16 are allowed.

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,005,334 to Casper

U.S. Patent 2,813,744 to Hutchinson

U.S. Patent 3,199,820 to Thompson

U.S. Patent 3,382,819 to Deutsch et al.

U.S. Patent 3,729,926 o Buske

U.S. Patent 4,446,818 to Rigterink

U.S. Patent 6,299,118 to Farrell

Japanese Publication 11-94134 to Taniai


Casper discloses an adjustable suspension device. Hutchinson discloses a self-releasing chain hook. Thompson discloses a support hanger. Deutsch et al. disclose a hook assembly having a plurality of hooks for supporting links of a plurality of chains. Buske discloses a claw hook for chains. Rigterink discloses a hanger for conveyor tubes. Farrell discloses a hanger having an adjustable section. Taniai discloses a suspension band fitting for piping.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

July 8, 2005